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July 10, 2023

ECF

Hon. Carol Bagley Amon
United States Courthouse
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: ***Commodity Futures Trading Commission v. Fisher Capital LLC, et al.*, 1:23-cv-03121-CBA-PK**

Dear Judge Amon:

This firm is counsel to defendants Fisher Capital LLC, AMS Consulting Solutions LLC, and Alexander Spellane (collectively "Defendants") in the above-captioned action. We submit this letter requesting an adjournment of the pre-motion conference on Defendants' proposed motion to transfer venue and to dismiss the complaint, currently scheduled for August 8, 2023. This request is due to a pre-planned family vacation that will result in counsel for Defendants being unavailable from August 2 to August 11, 2023. This is Defendants' first request for an adjournment.

We have conferred with counsel for the CFTC, who has indicated they do not oppose the request for an adjournment to accommodate counsel's family vacation. Counsel for both the CFTC and Defendants are available to hold the pre-motion conference on August 14 or August 15, 2023, or generally any day on or after August 28, 2023.

Lastly, if possible, Defendants would respectfully request that the Court proceed with the pre-motion conference telephonically, instead of in-person, in order to minimize travel. Counsel for the CFTC has indicated they do not have any objection to the pre-motion conference occurring telephonically, although counsel for the CFTC is also perfectly happy to attend the hearing in person. Of course, counsel for Defendants will also appear at the conference in person, if the Court prefers an in-person hearing on this matter.

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                                              Respectfully submitted,

                                              Davis Wright Tremaine LLP

                                              Alexander F. Porter
                                              (admitted *pro hac vice*)

cc: Counsel of record via ECF